



**US Army Corps
of Engineers.**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-200600816-39

Date
AUG 29 2006

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Mark Stubits

AGENT: Robert J. Catalano and Associates
Gordons Alley
1020 Atlantic Avenue # 202
Atlantic City, NJ 08401-7460

WATERWAY: Wading Thorofare

LOCATION: Block 7103, Lot 24, in the City of Brigantine, Atlantic County, New Jersey.

ACTIVITY: The applicant proposes to replace an existing bulkhead and legalize two structures at the site.

PURPOSE: The applicant's stated purpose is to replace a deteriorated bulkhead and legalize existing structures. It should be noted that the proposed bulkhead replacement and legalization of the structures has been approved by the New Jersey Department of Environmental Protection, Land Use Regulation Program (file number 0103-05-0017.1, WFD060001).

The existing timber bulkhead would be replaced using vinyl coated materials, with non-polluting hardware. Approximately seventy (70) linear foot of bulkhead would be replaced at the site. The work would be performed immediately adjacent to the current structure, using land based material. The applicant has stated that no fill would be placed waterward of the high tide line.

Three structures exist at the site. One ramp is located landward of mean high water; and as such, is not regulated by this office. The second structure, which is "L" shaped, would be four (4) feet wide and extends approximately one hundred ten

(110) feet waterward of mean high water. At the waterward end of the structure, a pier approximately nine (9) feet by twenty four (24) feet was placed at the site. Approximately twenty (20) feet from the end of the structure, a breakwater, twenty four (24) feet in length, secured by four (4) piles is present at the site. Three (3) mooring piles are located east of the "L" shaped pier. Vessels using the site are a maximum of thirty six (36) feet in length with a two and one half (2.5) foot draft. All of the structures were constructed using CCA treated lumber and galvanized hardware. The breakwater is located approximately five hundred ninety (590) feet from the centerline of the waterway. No dredging is proposed at the project site. The site is classified as Hard Clam - High Value Commercial on the map entitled "Plate IV Distribution of Shellfish Resources in relation to the New Jersey Intracoastal Waterway, Little Egg Harbor to Longport", prepared by the US Fish and Wildlife Service, dated January 1963.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public

interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.


Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 42 indicates that the proposed work will have no effect on EFH, or the species of concern at the project site. The structures have been present for many years, the significant environmental damage resulting from the treated lumber has passed. The work on the bulkhead would take place landward of mean high water. No new work would take waterward of mean high water. As such, impacts to the EFH, and the species of concern will be minimal.

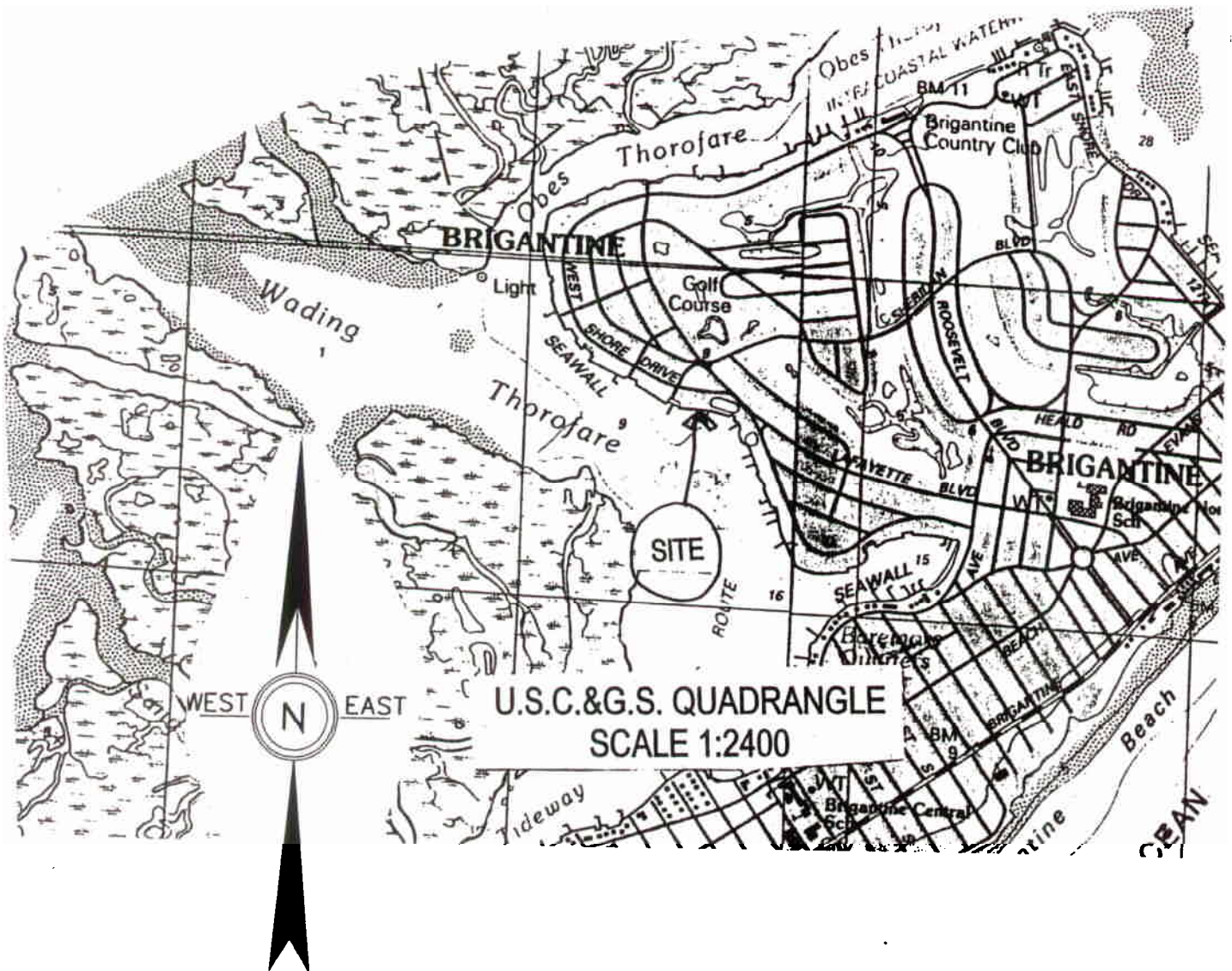
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Lawrence M. Slavitter at (215) 656-6734 or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch



TIDAL LEGEND	
BRIGANTINE CITY	
4.42'	HIGHEST PREDICTED TIDE
3.18'	MEAN HIGHER HIGH WATER (MHHW)
2.75'	MEAN HIGH WATER (MHW)
0.00'	MEAN SEA LEVEL (NGVD 1929 DATUM)
-1.12'	MEAN LOW WATER (MLW)
-1.28'	MEAN LOWER LOW WATER (MLLW)

HTL

PLANS TO ACCOMPANY WATERFRONT
DEVELOPMENT PERMIT APPLICATION
FOR MARK T. AND STACY A. STUBITS
550 WEST SHORE DRIVE - BLOCK 7103 LOT 24

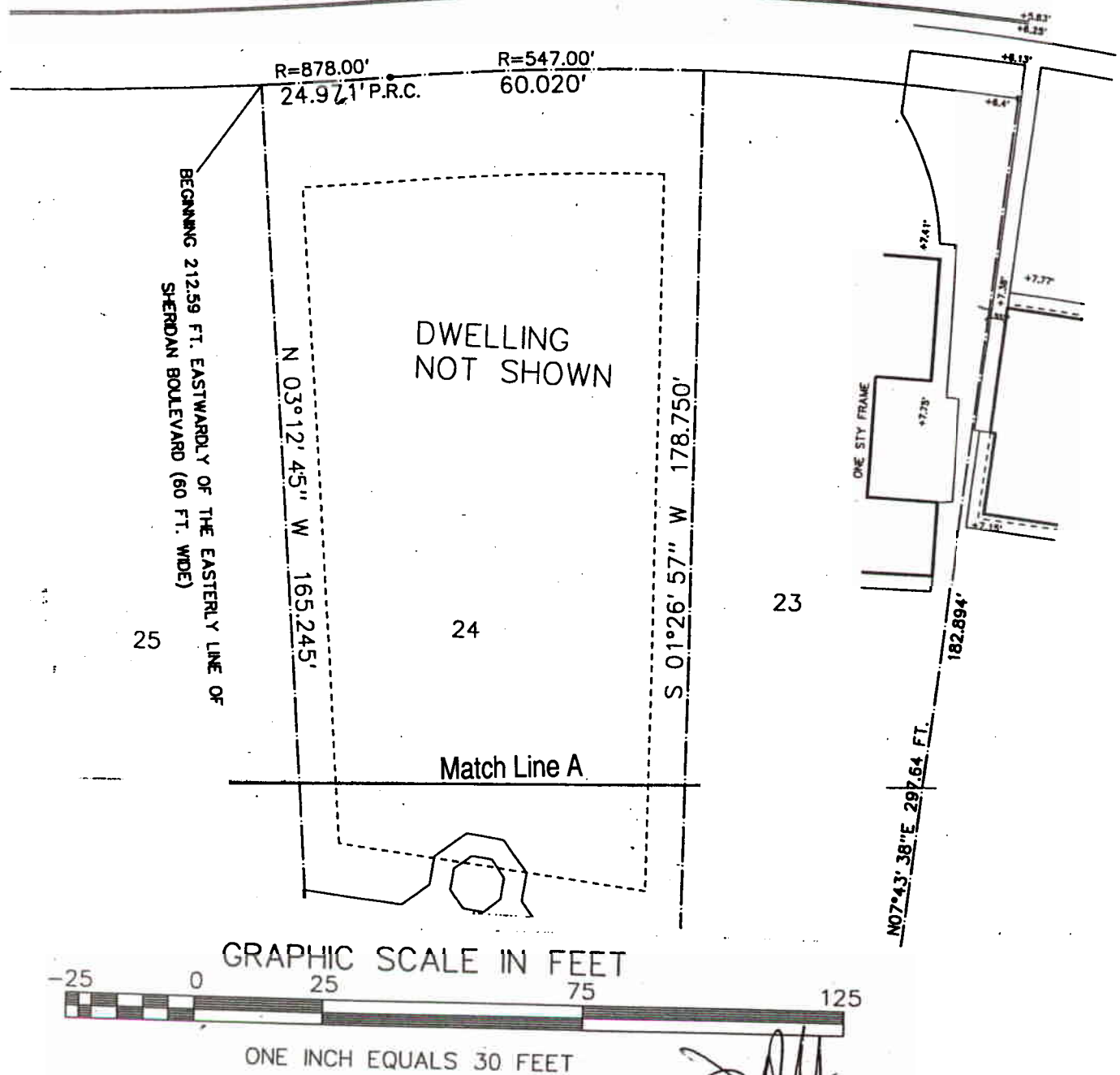
BRIGANTINE CITY, ATLANTIC COUNTY, NEW JERSEY
ROBERT J. CATALANO AND ASSOCIATES P.A.
PROFESSIONAL LAND SURVEYORS AND PLANNERS
1020 Atlantic Avenue, Atlantic City, N.J. 08401
(609) 345-1887 Fax (609) 345-3511



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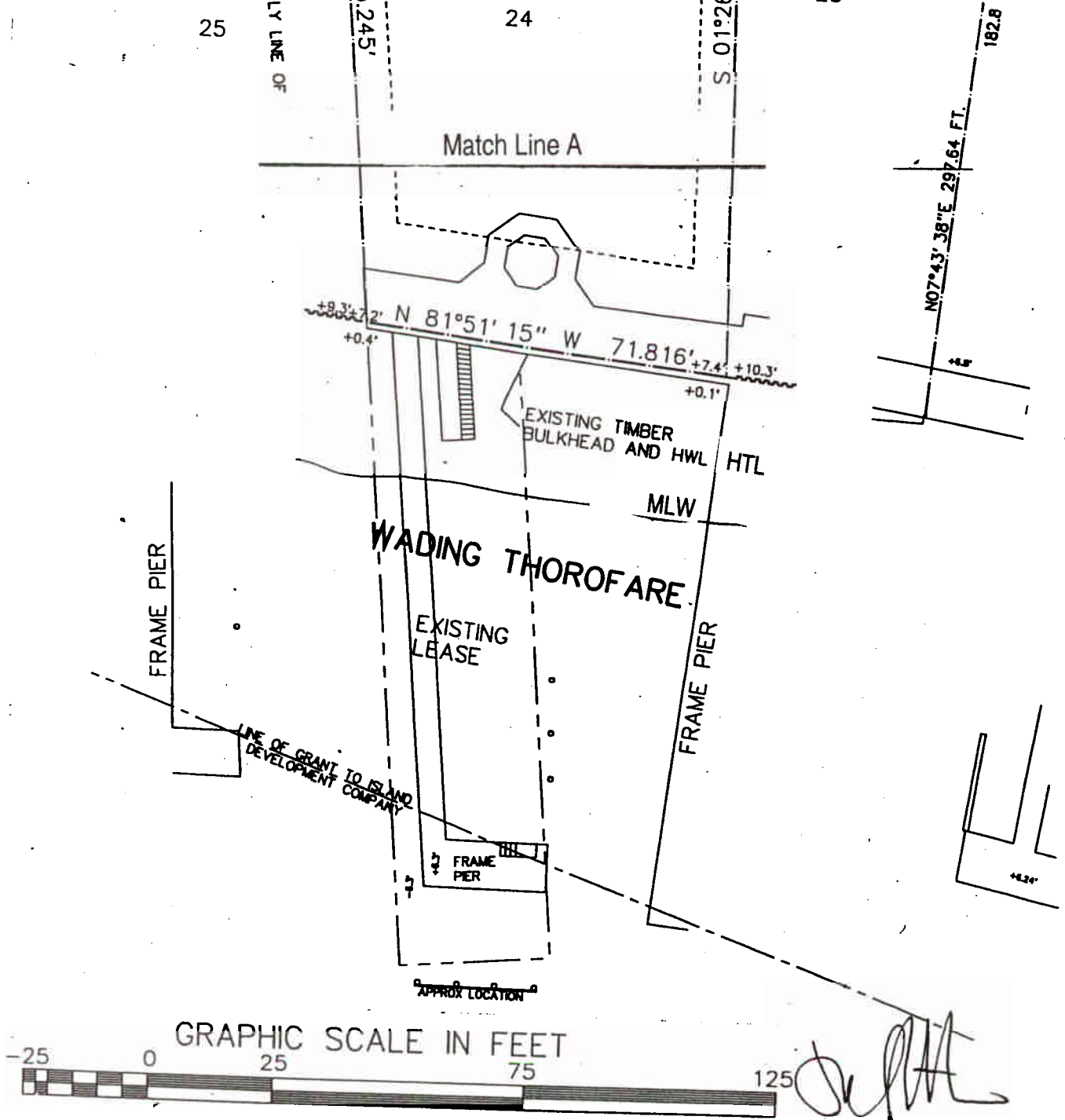
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EXISTING CONDITIONS

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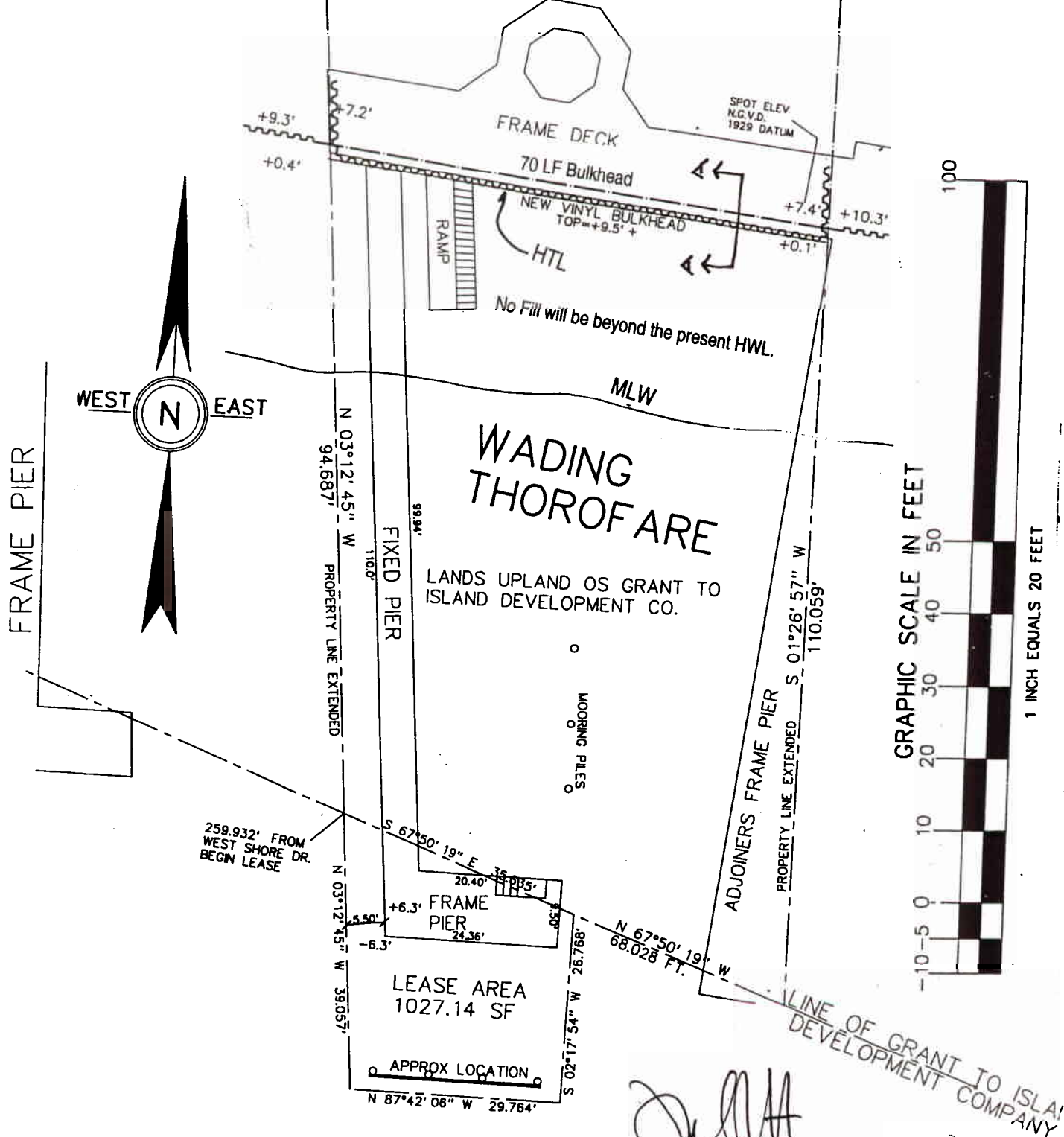
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SPECIFICATIONS
FOR COMPLIANCE WITH
N.J.A.C. 7:27E-3.2 EFFECTIVE May 21, 2001
Docket Number 13-00-03/179

PILING

1. All piling shall be in compliance with the above docket and must be constructed of non-polluting material, such as, untreated natural lumber (such as cedar or other woods), concrete or other relatively inert products, such as plastic, vinyl or steel.

FIXED PIERS

2. All decking, joists, etc., shall be in compliance with the above docket and must be constructed of non-polluting material, such as, untreated natural lumber (such as cedar or other woods), concrete or other relatively inert products, such as plastic, vinyl or steel. Fasteners are to be galvanized, or equal. Spacing of decking shall comply with adopted standards.

FLOATING DOCKS

3. All materials used for the construction of the floats shall be in compliance with the above docket and must be constructed of non-polluting material, such as, untreated natural lumber (such as cedar or other woods), concrete or other relatively inert products, such as plastic, vinyl or steel. Fasteners are to be galvanized, or equal. Spacing of decking shall comply with adopted standards.

RAMPS

4. All ramps are to be constructed of inert materials.

GENERAL NOTES. All construction shall be made using the manufacturers recommendations. Due to the enormous selection and the continual updating of products available, **actual detail sheets are not provided.** However, like wood the methods of installation are very similar. Contractors are urged to use sound environmental judgment during all phases of the project, including but not limited to:

1. Jetting or driving of pilings during slack water if reasonably possible.
2. All cutting and fitting of pre-fabricated sections should be made on the upland.
3. Prevention of any materials from falling into the water area.
4. Complete clean-up of all trash or other un-used materials.

I hereby certify that this plan and graphic representations of the existing conditions are accurate. The proposed conditions are for review for compliance with the existing NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTIONS rules and policies. No Engineering design is proposed or intended by this office. Unless specified otherwise, Bearings refer to LOCAL MERIDIAN, and Elevations refer to NAD (1929 Datum)

Robert J. Catalano
Professional Land Surveyor No 18612
Professional Planner No 1600

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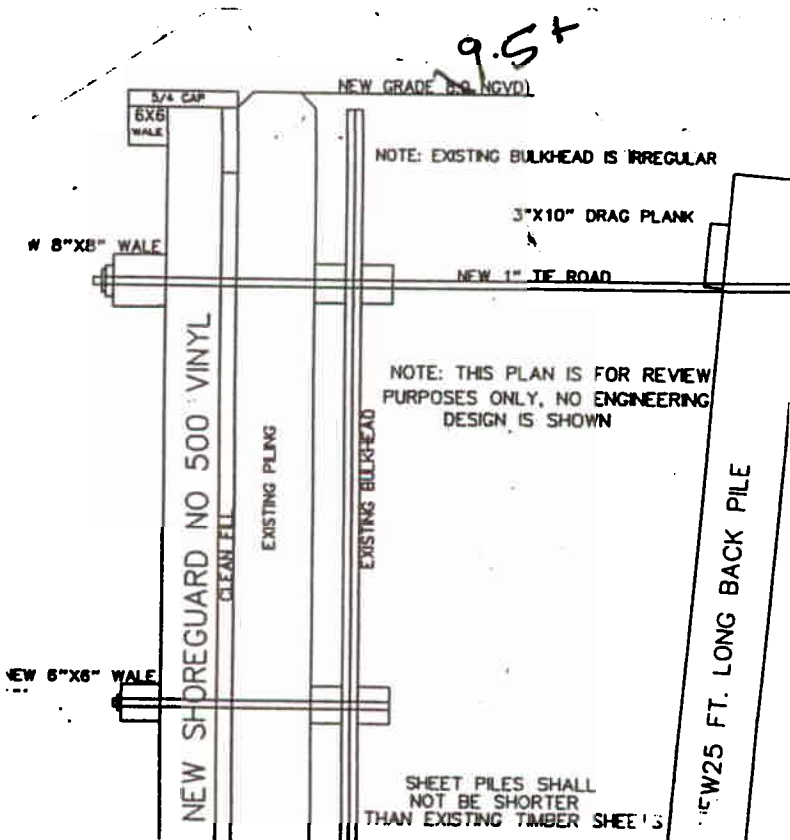
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JOIST

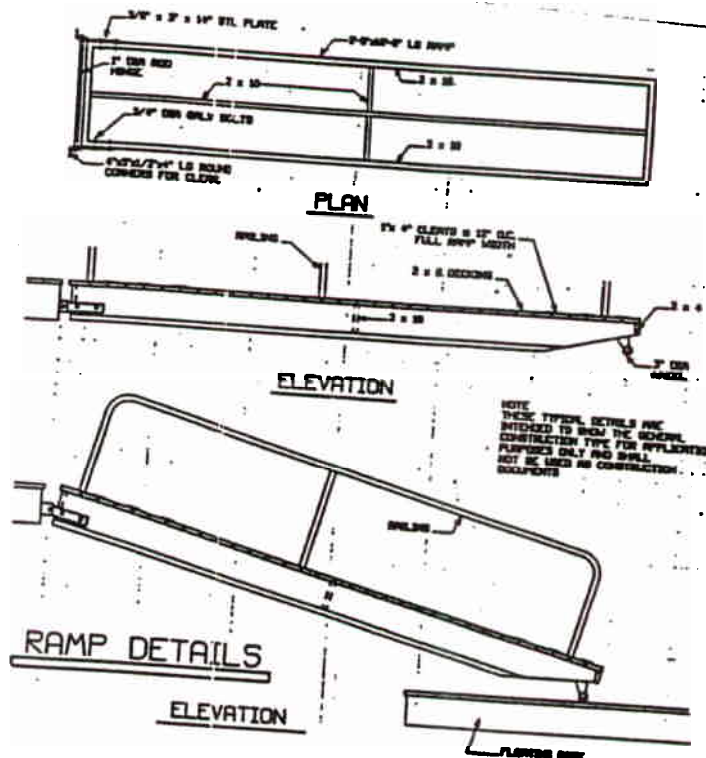
JOIST

PLAN VIEW OF DECK, FLOAT AND RAMP SPACING
SCALE 1"=2 FT.

DECK, FLOAT AND RAMP SPACING



SECTION "A"- "A"



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